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48

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,662	12/04/2003	Aaron P. Tondra	2689	8855

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EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,662

Applicant(s)

TONDRA ET AL.

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 130(page 6, line 20), 310(page 7, line 23), 394(page 7, line 23), 316(page 7, line 24), 318(page 7, line 24), 386(page 8, line 1), 392(page 8, line 1), 320(page 8, line 2), Ld_1 (page 9, line 14), U_1 (page 10, line 7) and R2(page 12, line 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 840(figures 3 and 4). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

Art Unit: 1744

“Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because figure 3 has 2-890s directed to different elements and figures 4D-4E do not have reference numerals and figure 4 fails to have reference numeral 810 as disclosed on page 15, line 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

reference characters "M2"(page 6, line 21) and "400"(page 7, line 2) have both been used to designate motor-fan assembly;

reference characters "320"(page 8, line 2) and "312"(page 8, line 8) have both been used to designate holes;

reference characters "810"(page 8, line 16) and "801"(page 11, line 8) have both been used to designate a microprocessor;

reference characters " Ld₁"(page 9 line 14) and "L₁"(page 12, line 13) have both been used to designate LEDs.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

reference character "U₁" has been used to designate both triac(page 10, line 70) and regulator(page 12, line 1);

reference character "870" has been used to designate both sensing circuit(page 9, line 12) and driver circuit(page 12, line 15).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 5, line 21, '4a' should be replaced with '4A' to correspond with the figures.

Page 6, line 1, '4b' should be replaced with '4B' to correspond with the figures;

Line 4, '4c' should be replaced with '4C' to correspond with the figures;

Line 7, '4d' should be replaced with '4D' to correspond with the figures;

Line 9, '4e' should be replaced with '4E' and '4c' should be replaced with '4C' to correspond with the figures.

Page 8, line 14, the status of the copending application should be updated.

Page 9, line 2, 'be' should be inserted after 'could';

Line 10, '“ ‘ should be moved from after 'circuit' to after 'detecting'.

Page 11, line 7, 'motorM1' should be replaced with 'motor M1'.

Page 12, line 6, 'Ac' should be replaced with 'AC';

Line 12, 'Swn' should be replaced with 'Sw_n';

Line 13, 'LED's' should be replaced with 'LEDs';

Art Unit: 1744

Line 17, 'laod' should be replaced with 'load'.

Page 13, line 24, 'A' should be replaced with 'The'.

Page 14, line 10, 'a' should be replaced with 'the'.

Appropriate correction is required.

Claim Objections

7. Claims 16-19 are objected to because of the following informalities: claim 16, line 20, 'computer.' should be replaced with 'computer;'. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 13-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 13, line 1 recites 'the vacuum cleaner of claim 10' however claim 10 recites 'the floor care appliance'.

Claims 14, 16 and 20, line 5, a step should be inserted for 'providing' the floor care appliance, as recited in the preamble, and deleted from the preamble;

Line 5, where/to what is the microprocessor provided?

Claim 18, it is unclear as to whether the 'step of connecting' is in addition to that of claim 16, line 18 or a further definition thereof.

Claim 19, line 1, 'vacuum cleaner' should be replaced with 'floor care appliance'.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-2, 6-7 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Allen et al..

Allen et al. discloses a base portion (fig. 1, #1).

Allen et al. discloses at least one electrically powered device producing work related to cleaning (fig. 11, #73).

Allen et al. discloses a microprocessor (col. 23, lines 19-20).

With respect to claims 1-2 and 14, Allen et al. discloses a digital pathway, including RS-232, to connect the microprocessor to a personal computer (col. 12, lines 5-32).

With respect to claim 6, Allen et al. discloses a wireless connection between the microprocessor and a personal computer (fig. 2, #15).

With respect to claim 7, Allen et al. discloses the wireless connection using a wireless radio frequency (col. 11, lines 48-51).

12. Claims 1-4, 6-9, 14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Murray et al..

Murray et al. discloses a base portion and least one electrically powered device producing work related to cleaning (0011,0020).

Murray et al. discloses a microprocessor (0023).

With respect to claims 1-2 and 14, Murray et al. discloses a digital pathway, including RS-232, to connect the microprocessor to a personal computer (0026,0027).

With respect to claim 6, Murray et al. discloses a wireless connection between the microprocessor and a personal computer (0026).

With respect to claim 7, Murray et al. discloses the wireless connection using a wireless radio frequency (0026).

With respect to claims 3-4, 8-9, 16 and 18, Murray et al. discloses the personal computer is connected to a remote computer by a computer network (0027,0029,0032).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 1744

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al..

Murray et al. discloses a similar floor care appliance however fails to disclose the microprocessor programmed with an address.

It would have been obvious to one of ordinary skill in the art to preprogram the microprocessor of Murray et al. with the address/telephone number of the remote computer to prevent an operator from having to enter it into the system.

17. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. as applied to claims 14 and 16, respectively above, and further in view of Matsushima et al..

Murray et al. discloses a similar floor care appliance however fails to disclose a switch for providing the connection to the computer.

Matsushima et al. discloses a floor care appliance that use a switch to provide connection to a computer (0060). It would have been obvious to one of ordinary skill in the art to provide the switch of Matsushima et al. in Murray et al. to prevent access to the network when it is not necessary for cleaning a surface.

18. Claims 11-13 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray et al. in view of Matsushima et al..

Murray et al. discloses a similar floor care appliance however fails to disclose a switch or connection to a telephone network.

Murray et al. discloses a base portion and least one electrically powered device producing work related to cleaning (0011,0020).

Murray et al. discloses a microprocessor (0023).

Murray et al. discloses connection of the microprocessor to a network (0026,0027).

Matsushima et al. discloses connection of an appliance to a remote computer by way of a telephone network (0006,0010). It would have been obvious to one of ordinary skill in the art to provide the telephone connection of Matsushima et al. in Murray et al. to allow for transmission of data using a conventional interface.

With respect to claims 12 and 21, Matsushima et al. discloses a floor care appliance that use a switch to provide connection to a computer (0060). It would have been obvious to one of

Art Unit: 1744

ordinary skill in the art to provide the switch of Matsushima et al. in Murray et al. to prevent access to the network when it is not necessary for cleaning a surface.

With respect to claims 13 and 22, it would have been obvious to one of ordinary skill in the art to preprogram the microprocessor of Murray et al. with the address/telephone number of the remote computer to prevent an operator from having to enter it into the system.

Conclusion

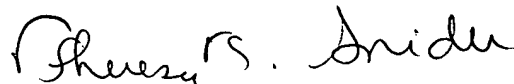
19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tondra et al. discloses a vacuum cleaner whose microprocessor can be programmed using a computer. Pallister discloses a vacuum cleaner that has a wireless connection to a personal computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Theresa T. Snider". The signature is fluid and cursive, with the first name "Theresa" and last name "Snider" clearly distinguishable.

Theresa T. Snider
Primary Examiner
Art Unit 1744

8/16/06